

UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA

JOEY A. GARCIA,

Plaintiff

Case No. 3:20-cv-00522-RCJ-WGC

**ORDER**

v.

WASHOE COUNTY DETENTION  
FACILITY,

Defendant

**I. DISCUSSION**

On September 15, 2020, Plaintiff, an inmate in the custody of the Nevada Department of Corrections ("NDOC"), submitted a civil rights complaint under 42 U.S.C. § 1983 and filed an application to proceed *in forma pauperis*. (ECF Nos. 1-1, 1). Plaintiff's application to proceed *in forma pauperis* is incomplete. Plaintiff has not submitted financial certificate or an inmate account statement for the previous six-month period from the NDOC facility. If Plaintiff has not been at the NDOC facility a full six-month period, Plaintiff must still submit a financial certificate and an inmate account statement for the dates he has been present at the facility.

Under 28 U.S.C. § 1915(a)(2) and Local Rule LSR 1-2, an inmate seeking to begin a civil action in this Court may apply to proceed *in forma pauperis* in order to file the civil action without prepaying the full \$400 filing fee. To apply for *in forma pauperis* status, the inmate must submit all three of the following documents to the Court:

(1) a completed **Application to Proceed in Forma Pauperis for Inmate**, this Court's approved form (i.e. pages 1 through 3 with the inmate's two signatures on page 3),

(2) a **Financial Certificate** properly signed by both the inmate and a prison or jail official (i.e. page 4 of this Court's approved form), and

(3) a copy of the **inmate's prison or jail trust fund account statement for the previous six-month period.** If Plaintiff has not been at the NDOC facility a full six-month

1 period, Plaintiff must still submit a financial certificate and an inmate account statement  
2 for the dates he has been present at the facility.

3 Accordingly, the Court denies Plaintiff's application to proceed *in forma pauperis*  
4 (ECF No. 1) without prejudice because the application is incomplete. The Court will grant  
5 Plaintiff a **one-time extension** to file a fully complete application to proceed *in forma*  
6 *pauperis* containing all three of the required documents. Plaintiff will file a fully complete  
7 application to proceed *in forma pauperis* on or before **November 16, 2020**. Absent  
8 unusual circumstances, the Court will not grant any further extensions of time. If Plaintiff  
9 does not file a fully complete application to proceed *in forma pauperis* with all three  
10 required documents on or before **November 16, 2020**, the Court will dismiss this case  
11 without prejudice for Plaintiff to file a new case with the Court when Plaintiff is able to  
12 acquire all three of the documents needed to file a fully complete application to proceed  
13 *in forma pauperis* or pays the full \$400 filing fee.

14 A dismissal without prejudice means Plaintiff does not give up the right to refile the  
15 case with the Court, under a new case number, when Plaintiff has all three documents  
16 needed to submit with the application to proceed *in forma pauperis*. Alternatively, Plaintiff  
17 may choose not to file an application to proceed *in forma pauperis* and instead pay the  
18 full filing fee of \$400 on or before **November 16, 2020** to proceed with this case.

19 The Court will retain Plaintiff's civil rights complaint (ECF No. 1-1), but the Court  
20 will not file the complaint unless and until Plaintiff timely files a fully complete application  
21 to proceed *in forma pauperis* with all three documents or pays the full \$400 filing fee.

## 22 **II. CONCLUSION**

23 For the foregoing reasons, IT IS ORDERED that Plaintiff's application to proceed  
24 *in forma pauperis* (ECF No. 1) is denied without prejudice to file a new fully complete  
25 application to proceed *in forma pauperis* with all three documents.

26 IT IS FURTHER ORDERED that the Clerk of the Court will send Plaintiff the  
27 approved form application to proceed *in forma pauperis* by an inmate, as well as the  
28 document entitled information and instructions for filing an *in forma pauperis* application.

1 IT IS FURTHER ORDERED that on or before **November 16, 2020**, Plaintiff will  
2 either pay the full \$400 filing fee for a civil action (which includes the \$350 filing fee and  
3 the \$50 administrative fee) or file with the Court:

4 (1) a completed **Application to Proceed in Forma Pauperis for Inmate** on this  
5 Court's approved form (i.e. pages 1 through 3 of the form with the inmate's two  
6 signatures on page 3),

7 (2) a **Financial Certificate** properly signed by both the inmate and a prison or jail  
8 official (i.e. page 4 of this Court's approved form), and

9 (3) a copy of the **inmate's prison or jail trust fund account statement for the**  
10 **previous six-month period**. If Plaintiff has not been at the NDOC facility a full six-month  
11 period, Plaintiff must still submit a financial certificate and an inmate account statement  
12 for the dates he has been present at the facility.

13 IT IS FURTHER ORDERED that, if Plaintiff does not file a fully complete  
14 application to proceed *in forma pauperis* with all three documents or pay the full \$400  
15 filing fee for a civil action on or before **November 16, 2020**, the Court will dismiss this  
16 action without prejudice for Plaintiff to refile the case with the Court, under a new case  
17 number, when Plaintiff has all three documents needed to file a complete application to  
18 proceed *in forma pauperis* or pays the the full \$400 filing fee.

19 IT IS FURTHER ORDERED that the Clerk of the Court will retain the complaint  
20 (ECF No.1-1) but will not file it at this time.

21 DATED: September 16, 2020

22   
23 UNITED STATES MAGISTRATE JUDGE

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28